

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

HATTIE M. GREENE,	:	
Plaintiff,	:	
	:	
v.	:	No. 2:19-cv-00887
	:	
NANCY A. BERRYHILL, <i>Commissioner</i>	:	
<i>of Social Security Administration,</i>	:	
Defendant.	:	

ORDER

AND NOW, this 16th day of July, 2020, upon consideration¹ of Plaintiff’s Complaint, ECF No. 2, Defendant’s Answer, ECF No. 11, the Administrative Record, ECF No. 12, Plaintiff’s Brief and Statement of Issues in Support of Request for Review, ECF No. 14, Defendant’s Response to Request for Review, ECF No. 17, Plaintiff’s Reply, ECF No. 24, and the Report and Recommendation of United States Magistrate Judge Jacob P. Hart, ECF No. 25,

IT IS ORDERED THAT:

¹ When neither party objects to a magistrate judge’s report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *See Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). “When no objections are filed, the district court need only review the record for plain error or manifest injustice.” *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991). *See also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at *16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts “are not required to make any separate findings or conclusions when reviewing a Magistrate Judge’s recommendation de novo under 28 U.S.C. § 636(b)”); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge’s report and recommendation for clear error). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).

1. The Report and Recommendation, ECF No. 25, is **APPROVED and ADOPTED**.
2. Plaintiff's Request for Review, ECF No. 14, is **GRANTED** as to the arguments regarding a constitutionally appointed Administrative Law Judge.
3. The matter is **REMANDED** to the Commissioner for further review consistent with the Report and Recommendation.
4. This case is **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge